

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MAURICE ANGELO BRISCOE,	:	
	:	Civ. No. 15-8857 (RBK)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
UNITED STATES PAROLE COMMISSION,	:	
	:	
Respondent.	:	
	:	

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner's application to proceed *in forma pauperis* will be granted based on the information provided therein. In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the petition for dismissal and determined that dismissal without an answer and the record is not warranted. In addition any arguments respondent shall make in its answer, Respondent's answer shall specifically address whether § 2241 is the proper vehicle for petitioner to bring this action in this Court.

The proper sole respondent in this case is the warden of the F.C.I. Fort Dix who is Jordan Hollingsworth. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004). Therefore, the Clerk will be ordered to replace the United States Parole Commission with Jordan Hollingsworth as the respondent in this case.

Accordingly, IT IS this 11th day of March, 2016,

ORDERED that petitioner's application to proceed *in forma pauperis* is granted; and it is further

ORDERED that the Clerk shall replace the United States Parole Commission with Jordan Hollingsworth as the respondent in this case; and it is further

ORDERED that the Clerk shall serve a copy of the petition (Dkt. No. 1) and this Order upon respondent Hollingsworth by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition (Dkt. No. 1) and this Order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this Order, respondent shall file and serve an answer which responds to the allegations and grounds in the petition and which includes all affirmative defenses respondent seeks to invoke; and it is further

ORDERED that respondent shall file and serve with the answer certified copies of all documents necessary to resolve petitioner's claims and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the answer, petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of petitioner's release, be it parole or otherwise, respondent shall electronically file a written notice of the same with the Clerk.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge